



# THE BANKRUPTCY ADVISOR



Volume 7, Issue 2 A Periodic Publication of the U.S. Bankruptcy Court for the Northern District of Florida

June 5, 2009



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## 2009 Court User Satisfaction Survey Results Are In

*And the survey says...* Overall, you are pretty satisfied with our level of service and we are pretty pleased with those results. Your feedback indicates a 95% satisfaction rating with the Clerk's Office in general and a 92% satisfaction rating with the way we are managing the case load.

Of course, there is always room for improvement, therefore, we appreciate those of you who took the time to complete the survey and provide comments. We look at the rating of each item and consider all comments to determine where we can further develop our service to you.

If you have other comments or suggestions for improvement during the year, please feel free to contact Kevin Davis, Director of Court Services, or Bill Blevins, Clerk of Court, for discussion.

## Motion for Protective Order re: 9037 Violation

We are continuing to receive these motions requesting that the Clerk's Office redact the information contained in the document referenced by the Motion for Protective Order.

**Please be advised that the Clerk's Office is not permitted to alter electronically filed documents.**

Simultaneously with the filing of the motion, a proposed order should be submitted. The order will be processed immediately and the document containing the protected information will be restricted from public access. An amended document with all pertinent information redacted should then be filed using the appropriate amended filing event (e.g., Amended Motion, Amended Objection, Amended Claim, etc.). If you have any questions regarding this process, please email or call our Help Desk or the Case Administrator to whom the case is assigned. (*Contact information on Page 10*).

## Comments on proposed LOCAL RULE changes are being accepted June 5 – July 3, 2009

A local rules revision cycle was initiated earlier in the year with a period provided for the bar to provide suggested changes and/or comments to:

- the current set of local rules
- several preliminary suggestions forwarded by the local rules committee, the clerk's office and the Judge
- those being made in conjunction with the national rule time computation project.

Based on the results of this initial period, a full package of proposed changes has been developed and is now available for comment by the bar from **June 5 to July 3**.

The package and associated links can be found at:

**[http://www.flnb.uscourts.gov/court\\_info/local\\_rules.aspx](http://www.flnb.uscourts.gov/court_info/local_rules.aspx)**

All comments are to be provided to Bill Miller, the chair of the local rules committee, either by e-mail at:

**[billmillerlaw@gmail.com](mailto:billmillerlaw@gmail.com)** or on-line at: **<http://www2.flnb.uscourts.gov/feedback/>**

Once this comment phase is complete, a required public review period is scheduled for August. The final step will then be to obtain the required approvals from the U.S. District Court and the 11th Circuit Court of Appeals with a planned effective date of the new rules of **December 1, 2009**.

### Tips

&

### Tricks

#### Submit Your Proposed Order in CM/ECF!

A new option on both the Bankruptcy and Adversary Events menus allows you to submit a proposed order via ECF-Central Lite.

Clicking the "Submit a Proposed Order" link, opens a pop-up box in which you enter details about the order you are submitting, along with any comments to the Case Administrator about the order. You also can check to receive an email confirming that we have received your proposed order.



### IN THE SPOTLIGHT



#### Welcome to the NDFL Andy!



Andy Hubbard began his employment with the Northern District of Florida on May 25 as a Programmer/Analyst with the Court Services Division working on the ECF Central grant project. He has several years of programming experience, is well on his way towards earning his B.S. degree, and was recognized as "Math Student of the Year" at Western Carolina University in 2002-2003.

Andy plans to complete the courses required for his B.S. degree through on-line courses at FSU beginning this fall.

## ECF Essentials

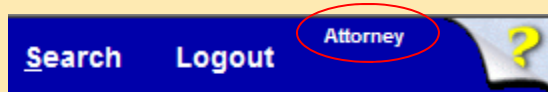
### Login and/or Password Reset

To have your CM/ECF login and/or password reset, please call or email Karen Abel at 850-435-8484 or Karen\_Abel@flnb.uscourts.gov.

### Updating your Address, Telephone or Email Information

If you are an ECF user with Attorney access, you can change your address, telephone and/or email information through the Utilities menu. To determine your access designation, log into CM/ECF and look to the far right in the blue menu bar at the top of the screen. If you are logged into PACER instead of CM/ECF, it will say "Pacer" instead of your access designation.

To update your information, select Utilities, then select the "Maintain My ECF Account" option.



### New Procedure for Motions for Hardship Discharge

Effective May 1, when a Motion for Hardship Discharge is filed, the Clerk's Office will enter an "Order Fixing Time for Filing Complaint under 11 U.S.C. § 523(a)(6)." This order sets a 60-day complaint deadline and will be served via BNC to all creditors in the case.

The Motion will be set for hearing, just as they have been in the past, however, even upon entry of a discharge, the case will not be closed until after the complaint deadline has passed.

Should a complaint objecting to the hardship discharge be filed, the bankruptcy case will remain open until the adversary proceeding has been resolved.

If you have any questions about this new procedure, please contact Melissa McClure at the Clerk's Office at (850) 521-5001 or by email at Melissa\_McClure@flnb.uscourts.gov.

### Holiday Closing

**Our offices will be closed**

**Friday, July 3, 2009**

**to celebrate Independence Day.**

**We wish you all a safe and happy holiday!**

## Evidence Presentation in the Courtroom

The U.S. Bankruptcy Court for the Northern District of Florida, Tallahassee, is a fully electronic courtroom. We provide a state-of-the-art sound system and the latest advanced technology to facilitate the presentation of both testimony and evidence to the court in multiple media formats.

**ELMO evidence presentation equipment** enables counsel to present evidence through the video monitors. The evidence can be in nearly any medium: paper, photographs, and even three-dimensional objects.

The **Video Cassette Recorder (VCR)** and **DVD Player** allow playback of videotaped evidence and testimony through the video monitors.

**Computer connections and microphones** at the counsel tables allow counsel to present trial documents and/or evidence through the video system by way of audio and video connections to a notebook computer.

**Wireless access** provided by the Bench & Bar Fund allows counsel to login to CM/ECF during court for access to case records.

**Video monitors** for viewing evidence are located at the bench, the witness stand, the courtroom deputy and law clerk stations, and each counsel table. Additionally, those in the gallery may view evidence on a 42" plasma monitor.

**"Touch" monitors** are located in the witness stand, the law clerk bench and the presentation podium. These monitors allow the presenter and/or viewer to view and annotate evidence presented on the system. Evidence may be pointed at, highlighted, and drawn on (circled, etc.) by drawing on the touch screen with a finger.

**Video Teleconferencing Equipment** is available for testimony and court hearings, as deemed appropriate by the judge.

At this time, the courtroom in Pensacola is equipped with an **overhead projector** and a **42" plasma video monitor** for the presentation of evidence. When renovations to the Winston E. Arnow Federal Building are complete, the courtroom will be equipped with the same advanced technology currently available in the Tallahassee courtroom.

If you would like to use any of this equipment, you may request to do so by contacting Janet Nah, Courtroom Deputy, at (850) 521-5009. It is highly recommended that you familiarize yourself with the equipment and practice using it before relying on it during court. Once a trial has been scheduled, you may arrange a time to work with the equipment by speaking with Mrs. Nah.



Tallahassee Courtroom Podium

## THE CLERK'S CORNER

By: Bill Blevins, Clerk of Court



### Opportunities for Conversations with the Clerk

Over the past few years, time has been provided over the summer for me to informally come by the offices of many practitioners within the district. From these visits, I have been able to relay future plans, gain feedback, and receive some wonderful suggestions.

As our filings have really jumped this year, I know everyone is very busy and scheduling time for me to come by may be hard to coordinate. Therefore, I have developed an alternative to hopefully keep this beneficial path of communication and collaboration going into 2009. Instead of visits, I'll be "setting up shop" outside of the 341 meeting rooms and/or court of each divisional location and will be available at those times to interact and share information. My planned schedule is as follows:



**Gainesville**—341 Meetings  
Wednesday, June 3

**Pensacola**—341 Meetings and Court  
Monday and Tuesday, June 8 - 9

**Tallahassee**—341 Meetings and Court  
Wednesday and Thursday, June 10 - 11

**Panama City**—341 Meetings  
Friday, June 12

If you can, please try to stop and say hello as I look forward to seeing everyone again!

### Attorney Board of Advisors Welcomes New Members

The Office of the Clerk would like to welcome three new members to the Attorney Board of Advisors. The new members, Philip Bates, Tracy Strom and Steve Jurnovoy, will join existing members for a two year term.

The Board consists of debtor and creditor attorneys as well as trustees and court staff. The Board of Advisors was created in 2007 to provide attorneys in the district a permanent vehicle for offering suggestions and advice to the Clerk's Office on a range of issues. Board members have been asked to provide feedback and analysis with regard to processes and procedures as well as recommendations on improving the quality of service provided by the Clerk's Office.

Other members of the Board include David Abrams, Bill Miller and Sherry Chancellor. Outgoing members, whose term expires this month, include Jim Sorenson, Sharon Sperling and Jason Egan.



**Paul G. Hyman, Jr.**  
**Chief United States Bankruptcy Judge**  
**Southern District of Florida**

Dear Electronic Filer:

As you may be aware, I am the co-chair of the Bankruptcy Judicial Liaison Committee of the Business Law Section of the Florida Bar. The committee provides a unique forum in which to share ideas and/or complaints among the bar and bench. All comments made during the meeting are off the record. The committee also fosters informal communication and sharing of ideas between the three Federal Districts within Florida. In the past, ideas proposed in the committee have resulted in the adoption of new procedures by the bench and/or the adoption of new local rules.

The reason for this e-mail is to invite you to attend our next meeting on June 24, 2009 at 4:00 P.M. at the Orlando World Center Marriott Resort & Convention Center. You do not need to be a member of the Business Law Section to attend the meeting, although I encourage you to join if you find the meeting worthwhile. Roy Kobert and Brad Saxton are planning a special dinner event to be held at Disney's Animal Kingdom Lodge following our meeting. They are trying to coordinate bus transportation to the dinner with the assistance of the Central Florida Bankruptcy Law Association. If you would like to attend the dinner, please e-mail your RSVP to Ms. Laura Kern at [lkern@broadandcassel.com](mailto:lkern@broadandcassel.com). Finally, please e-mail me at [paul\\_hyman@flsb.uscourts.gov](mailto:paul_hyman@flsb.uscourts.gov) any matters you would like placed on the agenda. I look forward to seeing you on June 24.

Chief Judge Paul G. Hyman, Jr.  
United States Bankruptcy Court  
1515 North Flagler Drive  
Room 801  
West Palm Beach, FL 33401  
561--514-4124  
Fax 561-514-4158

*Please note, this notice is being sent at the request of the Chief Bankruptcy Judges for the Northern, Middle and Southern Districts of Florida.*



## BAR ASSOCIATION NEWS

BY ALLEN TURNAGE, PRESIDENT



The Bankruptcy Bar Association has again assembled an outstanding lineup of speakers for its annual seminar. In addition to panels of Northern District Judges and trustees, we will host speakers on professionalism, Chapter 11 issues, and a case law update.

The seminar will be held Friday, October 9 at the Hilton Sandestin in Mirimar Beach and will be preceded by our usual cocktail reception Thursday evening, October 8. Since this is Columbus Day weekend and we typically use all of our reserved rooms, be sure to book your room early...especially if you want to take a couple of extra "beach days" after the seminar!

The cost of the seminar is \$200.00. It's a slight increase over past years, but still a bargain. You may also retain your membership in the organization for a "mere" \$50.00.

Please send your application and check to our new Treasurer, Jodi Cooke, at Jody Daniel Cooke, Beggs & Lane, RLLP, 5001 Commendancia St., Pensacola, FL 32052. You can also email her at [jdc@beggs-lane.com](mailto:jdc@beggs-lane.com). Thank you, Jodi, for stepping up to fill the void created by Hoke Smith's passing.

The Hilton Sandestin is located at 4000 Sandestin Blvd., Mirimar Beach, Florida. For reservations, contact them at 850-267-9600 and use group code "NDF" to receive the discounted rate.



### HELP DESK HINTS...

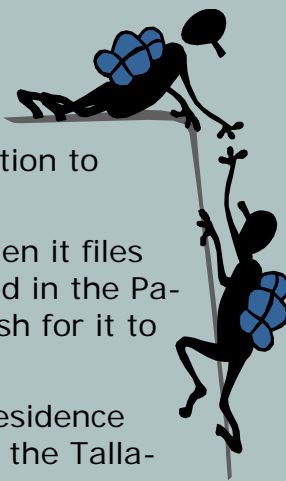
#### ***My electronic filing software isn't letting me file a case in the division in which I want the case handled!***

Pursuant to Standing Order #05-002, attorneys are authorized to select the division in which they want the case administered, provided a motion to transfer is filed contemporaneously with the petition.

Your bankruptcy software is entering the data listed on the petition when it files the case for you. If your client resides in Bay County, the case will be filed in the Panama City division, therefore, you cannot "auto-file" the petition if you wish for it to be assigned to a different division.

You must file the petition manually in CM/ECF and select a county of residence within the division in which you want the case filed (e.g., Leon County for the Tallahassee Division) for the case to automatically assign to that division.

When the case is being QC'd the next day by the Clerk's Office, we will change the county to match the county listed on the petition and enter a "Corrective Entry" on the docket.



**FLNB Resources**

Rev. 05/09

Cases in the Northern District of Florida are randomly assigned to Case Administrators throughout the district shortly after filing. The name of the Case Administrator to whom a particular case is assigned is located at the top of the docket report in CM/ECF. Contact information for each Case Administrator is as follows:

Lisa Davis	Lisa_Davis@flnb.uscourts.gov	(850) 521-5010
Marsha Mirra	Marsha_Mirra@flnb.uscourts.gov	(850) 435-8478
Ann Kennington	Ann_Kennington@flnb.uscourts.gov	(850) 435-8480
Monica Broussard	Monica_Broussard@flnb.uscourts.gov	(850) 435-8432
Latonia Isom	Latonia_Isom@flnb.uscourts.gov	(850) 521-5012
Claire Bikowitz	Claire_Bikowitz@flnb.uscourts.gov	(850) 521-5016

*Proposed orders should be submitted via the **Proposed Orders** link on the Bankruptcy or Adversary menus in CM/ECF.*

*The Clerk's Office phones are answered from 9:00 a.m. until 4:00 p.m., eastern time, Monday through Friday, except federal holidays. Please feel free to call or email the Case Administrators with your questions.*

**Help Desk: Debra Cook**  
**CMECF\_helpdesk@flnb.uscourts.gov**  
**888-765-1752**

*Please visit us on the web at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).*

**New Case Filings by Month 2007—2009**